

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

NOT FOR PUBLICATION
ORDER

Plaintiff,

04-CV-4631 (CBA) (RML)

-against-

VALERY KALIKA, M.D., et al.,

Defendants.

-----X
AMON, UNITED STATES DISTRICT JUDGE:

Plaintiff State Farm Mutual Automobile Insurance Co. (“State Farm”) filed this action against several physicians seeking to recover damages allegedly resulting from a fraudulent scheme in which the defendants charged State Farm for medically unnecessary ultrasound tests performed on individuals insured by State Farm. All of plaintiff’s claims have either been dismissed or settled,¹ with the exception of the three claims against Defendant Richard Yaldizian, M.D., for participation in a racketeering enterprise in violation of 18 U.S.C. § 1962(c), fraudulent misrepresentation, and unjust enrichment. Yaldizian was served with State Farm’s complaint on November 24, 2004, but has failed to answer or otherwise appear in this action. His default was noted by the clerk of the court on January 27, 2005.

By order dated March 12, 2007, shortly after the claims against all of the other defendants were resolved, I referred the matter of Yaldizian’s default to Magistrate Judge Cheryl

¹There were also two cross-claims, one by defendant Yury George Kremmentsov against all of his co-defendants, and one by defendants Valery Kalika and Valery Kalika, M.D., P.C. against Kremmentsov. Those claims have been mooted by the defendants’ respective settlement agreements.

L. Pollack for a report and recommendation (“R&R”) regarding the issues of the entry of a default judgement and an award of damages. On May 23, 2007, Magistrate Judge Pollack conducted an inquest on damages, reserving decision. Her R&R issued on November 19, 2007, recommending the entry of a default judgement against Yaldizian and an award of damages in the amount of \$2,401,273.78. Any objections to the R&R were due within 10 days of its receipt. No objections have been filed. Accordingly, Magistrate Judge Pollack’s thorough and well-reasoned R&R is hereby adopted as the opinion of the Court. The clerk of the court is directed to enter judgment and to close this case.

SO ORDERED.

Dated: Brooklyn, New York
December 7, 2007

Carol Bagley Amon
United States District Judge